

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
BROWNFIELD CLEANUP PROGRAM  
ECL §27-1401 *et seq.*

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In the Matter of a Remedial Program for

**AMENDMENT TO BROWNFIELD SITE  
CLEANUP AGREEMENT  
Index No. B8-0781-08-06**

**Former JML Optical, Inc.**

DEC Site No: C828151

Located at: 678-690 Portland Avenue, Rochester, Monroe County, NY 14621  
Hereinafter referred to as "Site"

by:

690 Portland Avenue Company  
135 Orchard Park Boulevard, Rochester, NY 14609-3352  
Hereinafter referred to as "Applicant"

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**WHEREAS**, the Department of Environmental Conservation ("Department") is authorized to administer the Brownfield Cleanup Program ("BCP") set forth in Article 27, Title 14 of the Environmental Conservation Law ("ECL"); and

**WHEREAS**, the Department and the Applicant seek to amend the existing BCP Agreement for the Site, based on the 2015 changes to the BCP.

**NOW, THEREFORE**, IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO THE FOLLOWING:

I. Tax Credit Status & Deadline for receipt of Certificate of Completion (COC)

Based on the fact that the Site did not receive a COC by December 31, 2019, it is hereby subject to the terms of the BCP in effect as of July 1, 2015, including, but not limited to, the tax credit structure and the deadline of March 31, 2026.

With respect to eligible costs incurred under the BCP, this Amendment shall not change the effective date of the Agreement, and otherwise eligible costs incurred from the original effective date of the agreement will still be eligible costs for tax credit purposes.

II. Miscellaneous

A. Except for the modifications set forth herein, the original Agreement shall

remain in full force and effect and the terms thereof and the obligations therein are incorporated herein and shall apply with the same force and effect to the provisions of this Amendment. The terms of the original Agreement, including all exhibits, appendices and subsequent modifications, are not otherwise modified or expanded in any way.

B. The terms herein shall constitute this complete and entire Amendment of the Agreement. No term, condition, understanding or agreement purporting to modify the terms of the Agreement shall be binding unless subscribed to by both parties in accordance with the terms of the Agreement.

C. The effective date of this Amendment is the date it is signed by the Commissioner or the Commissioner's designee.

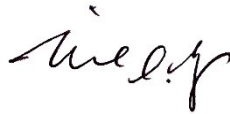
D. This Amendment may be signed in counterparts.

DATED:

June 18, 2020

THIS BROWNFIELD CLEANUP AGREEMENT  
AMENDMENT IS HEREBY APPROVED, Acting by and  
Through the Department of Environmental Conservation as  
Designee of the Commissioner,

By:



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Michael J. Ryan, P.E., Director  
Division of Environmental Remediation

CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

690 Portland Avenue Company

By: Joseph M. Loloza II

Title: Partner

Date: May 8, 2020

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF Monroe )

On the 8th day of May in the year 2020, before me, the undersigned, personally appeared Joseph M. Loloza II, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Linda R. Shaw, Esq.  
Signature and Office of individual  
taking acknowledgment

LINDA R. SHAW  
Notary Public, State of New York  
No. 02SH8043577  
Qualified in Monroe County  
Commission Expires June 19, 2022


## WRITTEN CONSENT

The undersigned, being a Partner of Ridgecrest Associates, does hereby certify as follows:

1. Ridgecrest Associates is the owner and prospective participant for the B + L Brownfield Cleanup Program Site located at 820 West Linden Avenue, Rochester, NY 14625 (the "Site").

2. Joe Lobo, the Managing Partner of Ridgecrest Associates, has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of Brownfield Site Participant Ridgecrest Associates.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on 25<sup>th</sup> day of July, 2017.

  
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Jeanna M. Ross  
Partner